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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,351	01/22/2004	Craig Ullman	559442600207	3432

43997 7590 10/28/2005

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EXAMINER

VU, VIET DUY

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,351

Applicant(s)

ULLMAN ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4, 8, 11, 24, 30, 57, 64, 67, 80, 86-87, 113-114, 116, 120, 123, 136, 142-143, 169, 171-174, 181-183 and 187-189 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are
1,2,4,8,11,24,30,57,64,67,80,86,87,113,114,116,120,123,136,142,143,169,171-174,181-183 and 187-189.

Art Rejections:

1. The text of 35 U.S.C. § 103(a) cited in the previous office action is hereby incorporated by reference.

2. Claims 1-2, 4, 8, 11, 24, 30, 57, 64, 67, 80, 86-87, 113-114, 116, 120, 123, 136, 142-143, 169, 171-174, 181-183 and 187-189 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stelovsky, U.S. pat. No. 5,782,692, in view of Wolzien, U.S. pat. No. 5,761,606.

Per claims 1, 4, 8, 11 and 24, Stelovsky discloses a system and method for providing multimedia programs and online contents to users comprising:

a) an encoder for encoding multiple multimedia tracks, including audio, video, text, etc., and timing indicia (i.e., time code), for controlling presentation of the multimedia tracks (see Stelovsky in col 3, lines 30-63) wherein one or more tracks contain remote contents or links to online contents that are related to the program (see Stelovsky in col 14, lines 30-32 and 50-55),

b) a transmitter for transmitting the programming signal to a remote user via a transmission medium (see Stelovsky in col 9, line 64 - col 10, line 10),

Art Unit: 2154

c) a program (not shown), responsive to user's request, for automatically retrieving and playing online content to the user in conjunction with the program (see Stelovsky in col 14, lines 50-55).

Stelovsky does not explicitly teach encoding address onto the multimedia track. The use of address as link to online content is well known in the art as evidenced by Wolzien. Particularly, Wolzien teaches extracting an embedded address (e.g., URL) from a program signal and using the extracted address to access online information source (see Wolzien in col 6, lines 1-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize conventional embedded address in Stelovsky's multimedia tracks because it would have enabled accessing online information source from the program (see Stelovsky in col 14, lines 50-55).

Per claim 2, Stelovsky teaches that encoder and transmitter could be disposed at a remote location such as online distribution site and/or web-hosting site (see Stelovsky in col 9, line 64 -col 10, line 10).

Per claim 30, it is noted that Stelovsky's teaching is applicable to both analog and digital programs (see Stelovsky in col 14, lines 20-30).

Claims 57, 64, 67, 80, 86-87, 113-114, 116, 120, 123, 136, 142-143, 169, 171-174 and 181-183 are similar in scope than that of claims 1-2, 4, 8, 11, 24 and 30 and hence are rejected for the same rationale set forth above.

Per claims 187-189, Wolzien teaches delivering the multimedia program via television signals (see Wolzien in col 5, lines 1-41).

Response to Amendment:

3. Applicant's arguments filed on 9/12/05 have been considered but are moot in view of new ground of rejection set forth above.

Applicant asserts that the applied art of record fails to teach encoding timing indicia onto the program for controlling when online address can be presented and/or used to automatically retrieve and play online content.

It is submitted that another art of record, Stelovsky, is now applied to show the use of embedded time code to control the display and access of online content during the playing of the multimedia program.

Conclusion:

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can

Art Unit: 2154

normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
10/27/05